

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:18-cv-00573-FDW-DCK

IONA FRANKLIN,

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Plaintiff,

)

vs.

)

MARK T. ESPER.

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*Secretary of the Army,*

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Defendant.

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ORDER

Parties' motion is hereby GRANTED WITH MODIFICATION. This matter is hereby STAYED to allow Plaintiff to file a new petition with the administrative agency seeking reconsideration of the agency decision. Parties' are ORDERED to file a joint status report to the Court every 120 days explaining the status of the case. Plaintiff is further ORDERED to notify the Court of the ABCMR's final decision within 30 days of receipt of that decision. If the ABCMR officially reopens the matter for consideration, schedules additional hearings, allows the presentation of new evidence, or in any way suggests that its previous decision is no longer the final decision of the agency, Plaintiff is ORDERED to notify the Court within 30 days.

Given the recent developments in this case, there is a possibility that the legal issues in this matter will shift substantially. Therefore, the summary judgment motions of both parties, (Doc. Nos. 19, 21), are hereby DENIED WITHOUT PREJUDICE and may be refiled at a later date. Parties should include a proposed motions schedule in any subsequent motions to lift the stay of the case.

IT IS SO ORDERED.

Signed: July 18, 2019



Frank D. Whitney  
Chief United States District Judge

